

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1132 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BALDEVBHAI BHAILALBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR GI DESAI for Petitioners

Mrs.S.D.Talati for Respondent No. 1, 2

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 30/04/98

ORAL JUDGEMENT

The petitioners are Surveyors in the Forest Department, praying that they should be given the same pay scale as is given to the Surveyors in the Geology Department. It is submitted that surveyors in forest department as well as Geology Department are similarly situated and having similar recruitment, rules, qualification, duties and functions.

2. On behalf of the respondents this contentions are denied, and is submitted that recruitment rules, duties and functions are different. The Surveyors in Geogology Department in all respects are higher than surveyors in the Forest Department. It is submitted that the surveyors in Forest Department are required to pass matriculate examination, whereas Surveryor in Geology department are required to have Diploma in Civil Engineering or Surveyor Examination.

3. Even historically, surveyors in Forest Department have been given the lower pay scale than surveyors in Geology department. The Sarela Pay Commission had given the pay scale of 390-480 and in the Desai Pay Comission it was revised to 1200-1800. As against that. the surveyors in Geology department were given pay scale of 1640-2900 (see ROP Rules Entry 68 on Page 40 and Entry 35 on Page 166 of Gujarat Civil Services Revision of Pay Scales, 1987).

4. It is thus seen that these two categories were considered on various occasions by the expert Pay Commissions. Since the Pay Commission has dealt with this category and considered their case, it is not possible to review it in the judicial courts. Hence the petition is dismissed. Rule discharged.

5. A sum of Rs.500/- was directed to be deposited by the Government for failing to file the affidavit in reply in the court. That amount is directed to be paid to the High court Legal Aid Committee.

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